Remarks

Applicant respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1-23 are presented for examination.

Claims 1-23 stand provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 4-10, 16-22 and 30-36 of co-pending Application No. 10/028,467. Applicant submits that a terminal disclaimer in compliance with 37 CFR 1.321(c) will be filed upon resolution of the prior art rejections.

Claims 1-4 and 7-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Souissi et al. (U.S. Patent No. 6,785,556) in view of Watanabe et al. (U.S. Pub. No. 2002/0144134). Applicant submits that the present claims are patentable over Souissi in view of Watanabe.

Souissi discloses a software configurable wireless modem that can be configured using software downloaded by a host computer. A user can select a preferred mode of operation, or mode selection can be done automatically based upon whether one or more predetermined criterion, such as a location of the modem, are met. See Souissi at Abstract. However, Souissi does not disclose or suggest a process of certifying a software radio application. In fact, the Office Action admits that Souissi does not disclose certifying a software radio. See Office Action at paragraph 5. Instead, the Office Action asserts that Watanabe discloses such a feature. Id.

Watanabe discloses a software defined radio and an approval system of a radio which can flexibly cope with specification alteration. A software defined radio includes storage for holding transmission and reception characteristic information serving as a specification criterion, and a control unit for comparing a measured value obtained from a measurement circuit with the information of the specification criterion and conducting setting of the radio so as to satisfy the specification. See Watanabe at Abstract.

Claim 1 of the present application recites certifying a first software-defined radio for operation if a first ID matches a second ID. Applicant submits that nowhere in Watanabe is there disclosed or suggested a process of comparing a first ID with a second ID stored at a first analog front end coupled to a computer system and certifying a first software-defined radio for operation if the first ID matches the second ID. Since neither Souissi nor Watanabe disclose or suggest certifying a first software-defined radio for operation if a first ID matches a second ID, any combination of Souissi and Watanabe would also not disclose or suggest such a feature. As a result, claim 1 is patentable over Souissi in view of Watanabe.

Claims 2-7 depend from claim 1 and include additional features. Thus, claims 2-7 are also patentable over Souissi in view of Watanabe.

Claim 8 recites a first software-defined radio being certified for operation by authenticating a first identification (ID) received at a baseband unit with a second ID stored at a first analog front end. For the reasons described above with respect to claim 1, claim 8 is also patentable over Souissi in view of Watanabe. Because claims 9-16 depend from claim 8 and include additional features, claims 9-16 are also patentable over Souissi in view of Watanabe.

Claim 17 recites a server computer that transmits first identification (ID) data to a first client computer upon receiving a request from the client computer to certify a first software-defined radio implemented at the first client computer. Thus, for the reasons described above with respect to claim 1, claim 17 is also patentable over Souissi in view of Watanabe. Since claims 18 and 19 depend from claim 17 and include additional features, claims 18 and 19 are also patentable over Souissi in view of Watanabe.

Claim 20 recites receiving a request at a server computer to certify a first software-defined radio implemented at a first client computer and transmitting first identification (ID) data corresponding to the first software-defined radio to the first client computer. Applicant submits that nowhere in Souissi or Watanabe is there disclosed or suggested a server

computer receiving a request to certify a first software-defined radio implemented at a first client computer and transmitting first identification (ID) data corresponding to the first software-defined radio to the first client computer. Consequently, claim 20 is patentable over Souissi in view of Watanabe. Since claims 21-23 depend from claim 20 and include additional features, claims 21-23 are also patentable over Souissi in view of Watanabe.

Claims 5-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Souissi in view Watanabe, and further in view of Paulsen et al. (U.S. Patent No. 6,055,575). Applicant submits that the present claims are patentable over Souissi and Watanabe even in view of Paulsen.

Paulsen discloses a system and method for remote users to access a private network having a first communications protocol via a public network in a secure manner so that the remote user appears to be connected directly to the private network and appears to be a node on that private network. A host connected to the private network may execute a host software application which establishes and provides a communications path for secure access of the remote client computer. An encrypted data stream may be communicated between the host and the client representing traffic and commands on the network. See Paulsen at Abstract.

Nevertheless, Paulsen does not disclose a process of certifying a software-defined radio. As discussed above, neither Souissi nor Watanabe disclose or suggest certifying a first software-defined radio for operation. Since Souissi, Watanabe and Paulsen individually do not disclose or suggest certifying a first software-defined radio for operation, any combination of Souissi, Watanabe and Paulsen also would not disclose or suggest such a feature. Consequently, the present claims are patentable over Souissi and Watanabe in view of Paulsen.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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